

.ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

John P. Defazio	-	President
Nicholas Futules	-	Vice President, District 7
Patrick Catena	-	District 4
Dewitt Walton	-	District 10
Paul Klein	-	District 11
Denise Ranalli-Russell	-	District 13

Elsie Hillman Auditorium at the Kaufmann Center
1825 Centre Avenue
Pittsburgh, Pennsylvania 15219

August 29, 2018 - 5:33 p.m.

SARGENT'S COURT REPORTING SERVICE, INC.
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IN ATTENDANCE:

Jared Barker - Director, Legislative Services
Ken Varhola - Chief of Staff

CHAIRMAN WALTON: Good afternoon. We are going to call the first public meeting of the Allegheny County Council to hear information, gather information regarding the police civilian review board. At our July meeting we were authorized by Members of Council to conduct four public meetings. The purpose of those meetings is to gather information so that we as Council can determine the issues that need to be considered to determine the best facts and hear concerns of the residents of Allegheny County.

So we have two meetings in August and two subsequent meetings in September. We can then determine by late October some proposed legislation that we will bring to Council for its consideration and hopefully it passes. Again, we'd like to thank each and every one of you. Here, on the dais we have co-sponsor Paul Klein, President of Council John DeFazio, Vice President of Council Nick Futules and Member Pat --- Pat Catena.

So I am going to quickly go over some guidelines for this evening. And again, I want to thank everyone who has opted to spend some of their valuable time providing Allegheny County Council with their insights this evening. Your comments are an extremely important means of informing the Council's decision-making process, and we are grateful for you --- grateful to you for sharing them with us.

With that said, we are, of course, all aware that recent events and the issue of police accountability have become profoundly controversial topics, and that emotions sometimes run high when the matter is discussed. While it is certainly not our intention to minimize or gloss over anyone's feelings, please note that we do expect and require that decorum be maintained at all times this evening and that the following guidelines must be observed at all times.

Please be respectful of the speakers and allow them to fully avail themselves of their right to speak. Please do not interrupt or disrupt their remarks with heckling, applause or other noise.

Regardless of the number of the individuals wanting to speak, please adhere to all time limits and do everything possible to allow easy access to the podium for speakers when their turn is called.

A timer will be visible to speakers as they make their comments. The time limit for this evening is

two minutes per speaker. The timer will give a single, warning beep with a yellow warning light when one minute remains and then multiple beeps and a red light at the conclusion of the two minute limit.

Do not under any circumstances engage in inflammatory, threatening or confrontational behavior. Doing so will be cause for immediate ejection from the meeting. Do not engage in or display or use of profane language of any kind.

Only individuals who are registered to speak and who are called to the podium may do so. If anyone has a handout for Council, please provide it to staff members who will distribute it for us. Do not, under any circumstances, approach the Council Members directly, please.

Regarding written comment. If someone has written comments, you will have the ability to submit that written comment at any time up to the conclusion of our full public meeting. Speakers should address --- address the Council only. The Council Members are not to engage in conversation or debate with any speaker during their remarks to Council.

Council does not restrict the use of cameras or recording devices during meetings. That said, please do not use these devices in a fashion that disrupts the hearing or any speaker. Larger cameras, tripods, et cetera, must be placed on the perimeter of the room --- around the perimeter of the room but it may not --- but it may not be placed behind the Council's table or behind the speaker's podium.

Signs may be displayed, provided that they do not obstruct the audience's view of the proceedings. Larger signs therefore also must be kept to the perimeter of the room.

We do wish to be able to contact everyone who is present tonight and in order to do so, we will pass around sign-in sheets. We also want to be able to provide or request additional information. Accordingly, for individuals who are not speaking, please use the general sign-in sheet with our staff members.

Obey all instructions from the Chair. Failure to do so may constitute grounds for ejection from the meeting. Please be aware of all the rules regarding public speakers.

Now, speakers must register, plus we ask that you register at least 24 hours prior to the start of meeting in order to reserve a time slot. However, registrations received after the deadline may be honored if time permits. If you did not sign up in advance but would still like to speak if there is enough time, you must sign up on the last minute sign-in sheet with our staff members at this point. Once the pre-registered speakers are finished, individuals will be called from the last minute sign --- last minute sign-in sheet on a first come, first serve basis until 6:58.

Due to facility rental agreement, tonight's meeting --- tonight's meeting must end no longer than 7:00 --- no later than 7:00 p.m. If we must end the meeting before you have a chance to speak, please feel free to submit written comments before the close of business at our last meeting on September 26th. Please see our staff or the published advertisement for tonight's meeting for contact information or schedule for the remaining meetings. We will host the meetings in September in - when Ken?

KEN VARHOLA: The first week of September after Labor Day.

CHAIRMAN WALTON: The first week of September. Those meetings are going to be held on September 20th at the elementary school in Duquesne, on September 26th at the Father Ryan Center in McKee's Rocks.

Speakers are specifically prohibited from allocating or deferring their time to other speakers. If you are not present when your turn comes and your name is called, you may not get the opportunity to speak. A listing of the speakers who signed up and the order in which they signed up will be posted --- posted near the door.

Only residents of the County are granted the right to speak, pursuant to Section 7101.1(a) of the Sunshine Act. If there is not enough time to hear all the speakers, some or all of the comments can be deferred to next meeting. We want to thank you in advance for your cooperation and welcome.

With that, I'm going to say that our panelist for the night is Ms. Beth Pittinger who is Executive Director of the Pittsburgh Civilian Review Board along with Carlos Torres, the Director of the Pittsburgh - --- Pittsburgh Human Relations Committee. Thank you for

offering your time and your expertise up for tonight. We welcome your comments. But prior to you guy's turn, I am going to defer to my partner Paul Klein for any comments that he may have regarding this evening's activities.

MR. KLEIN: Thank you very much. A few months ago, a young man Antwon Rose was killed by a police officer in the City of Pittsburgh. Since that time, we as elected representatives here have considered how we might best respond to this tragic episode in order to effectively minimize hostility. Across us this evening here at Hill House this evening a place where so many gatherings have taken place over many years.

Our goal tonight is to listen and hopefully in the aftermath of such a conversation is to create spaces for dialogue so that we might chart a course and in some way process the excitement from what happened on that very sad day in East Pittsburgh. And so with that I thank you all for --- or thank you on coming out tonight and I look forward to hearing from you. So thank you again.

CHAIRMAN WALTON: So Ms. Pittinger, We're only asking for you to give us 10 minutes and then 10 minutes for Mr. Torres. And then, if Council has questions then we will give ourselves another 10 minutes to address questions that we may have for you and then we will turn the podium over for public comment. If you would, please. Thank you.

MS. PITTINGER: Thank you, Councilmen --- Councilman. Good evening, Mr. President, Mr. Chairman Members of Allegheny County Council. Thank you for inviting us tonight to offer our perspective on civilian oversight of police, our experience in the City of Pittsburgh and how to aid your decision making or oversight that is available to help in the County of Allegheny.

Generally speaking, unlawful conduct will be misconduct but misconduct is not always unlawful conduct. It is the perception created by this gap that creates and fuels the community police tension and undermines public trust in local law enforcement. If community harmony and public trust are to endure, there must be a system of accountability.

Indeed, it was the failure of the political process to address police misconduct and citizens' complaints in Pittsburgh that led to a rare direct democratic action by the people manifest in the referendum

that created the independent citizen police review board. The opposition definitely was fierce and it was led at great financial and social expense by members of the Fort Pitt Lodge No.1 of the Fraternal Order of Police. Twenty-two (22) of the 32 electoral wards ratified the measure on May 20th, 1997 dispelling the notion that it was only a race-based issue.

As we consider how best to provide recourse for people concerned with a municipal police department or the conduct of an individual officer, a definition of misconduct must be constructed and adopted.

Misconduct is defined as any alleged improper or illegal act, omission or decision by an officer directly affecting the person or property of a natural person by reason of, a violation of any general standing or special order or guideline of the Police Bureau or the Department of Public Safety. A violation of any federal law, state law or the Pittsburgh code or any act otherwise evidencing improper or unbecoming conduct.

In the material I have provided to you is a document entitled Case Category Metrics. That list illustrates the alleged policy violations received by the CPRB for the period of January 2013 through July 2018. Officers' conduct is evaluated for compliance to the policy standards and the policy is evaluated for compatibility to contemporary best practices in law enforcement.

Police accountability is, as is all policing, a matter of local concern. Local municipalities retain their autonomy under our County Charter and the statutes of the Commonwealth. An employment relationship is required to extend Garrity protections to public employees and employment discipline and termination is controlled by the employer and where applicable, collective bargaining.

Our discussion today involves a countywide police oversight mechanism. As a practical matter, only the Allegheny County Police Department could be subjected to such mandatory oversight. Consider that for the period of January 2013 through July 2018, the citizen police review board closed 94 complaints about police departments throughout the County but beyond our jurisdiction. Of those 94 OJ cases, only six involved Allegheny County Police. A report of all those OJ complaints, distinguished by municipality and Council District, has

been provided to you. In the same period, the civilian police review board managed 1,423 complaints.

I would like to go over a few of the general models that are found on these under these on civilian oversight entities. We belong to a professional organization called the National Association for the Civilian Oversight of Law Enforcement and essentially a trade organization for the sheriff. The factors that we learn from each other are --- we are supposed to limit organization meaning our representatives are law enforcement agents from across the country.

The generally accepted models in this are generalized but there are functions involved and the functions that are commonly referred to are in terms of police oversight are Boards that may conduct independent investigations. Entities that review internal investigations or serve as an appeal of an internal investigation. They don't investigate individual conduct. Those who investigate audit or monitor police policies, practices, training and general operations. Those are strictly a full position, designated individual and those oversight citizens that serve solely as policy advisory.

The Pittsburgh model is that of an independent investigatory citizens Board. We accept complaints from anyone including police officers. The model is considered the most independent and it is noted that our staff and I are seeking police work at the direction of the Board, not the Mayor or City Council.

I have offered a --- an overview of the general characteristics that seem to be present in the effective oversight helps. The first thing is independence and in Pittsburgh our board is independent from the executive and legislative branches of government. The Board retains its own Solicitor which enables its independence. The Board is protected from political influence and our independence reinforces the impartiality and unbiased work that is expected of the Board. We have seven Members and in 2010, the vote required to have and will always be two law enforcement professionals among those seven members.

One of the law enforcement officials is --- professional is recommended from --- of those denominations from this City Council and the mayor and the other is by selection of the mayor. So that, both Council and the mayor have educated law enforcement professionals.

All of our Members must transcend populism and transcend politics. This is to become independent fact finders. Subject this to local municipalities over the years. In 2010, we had the mayor of the City of Pittsburgh that removed up to seven members in one fell swoop. We since brought it back which worked as members whose terms may expire and that if the appointing authority does act on the determination of the appointing parties. There are methods so that they cannot be subjected to a removal state. It can be very disruptive.

It is very, very important that funding for such an oversight is actively support the functions necessary to provide a consistent and continuous civilian oversight. You have to develop a surveillance team that is staffed with your investigators, your coordinators, your auditors, your monitors. Whatever model it shows, it has to be able to be supported financially and is supported by the general fund.

Access is critically important for oversight to be effective and that is access to reports, to documents, to policymakers to police administrators to elect. Whoever and whatever model is operating civilian oversight, must have unlimited access to those people and or documents to inform them as to the nature of the Board what they're doing. There is a significant bar to access police reports in the Commonwealth of Pennsylvania by the Criminal History Record Information.

This releases any police report or investigative to any non-criminal justice agencies. We have recommended that the State Legislature amend to allow our right to access the police reports. The two publically organized and established police oversight in the Commonwealth that'd be the Pittsburgh independent CPRB and the Philadelphia Police Advisory Commission.

Confidentiality is another area that is pretty important and is required by the law that we adhere to. So that individual privacy to due process and criminal investigations are not compromised as a result of loose lips of people from outside of the process. If you're reviewing or accusing a police officer of misconduct and if you are affecting their lives, you're affecting their families' lives, your potential --- potentially affecting their general public reputation. It's --- you should not take that lightly. And In Pittsburgh, we have a privacy code and then approval of

state laws that require us to maintain the confidentiality of our work but to maintain the quality of our work, we do publish an annual report.

And lastly there is the authority. The oversight mechanism must have the authority necessary to fulfill its responsibilities. The two most effective and transparent powers are the ability to hold public hearings and to issue subpoenas.

Opponents of police oversight will challenge and apply pressure on the organization and its staff. In Pittsburgh, we faced several challenges early on. The most common, and in fact, recurring challenge is that of the validity of the CPRB subpoena. It has been resolved in the courts time and time again beginning with the annual report back 2004, that the CPRB subpoena is valid then it must be complied with.

The 2005 request --- I mentioned CHRIA. The police reports were routinely given to us if in the early days so we needed to have some statement from the officer that would tell us what they saw in the incident. It was their narrative of what occurred. In 2010 for G20 CHRIA interfered and were not given police reports. But back in 2005, where we sought to obtain officer safety internally the city opposed that. Went to court and through the court settling, agreed that the board would have access by subpoena to all areas in the state by police under investigation in the City of Pittsburgh.

Those statements are one of the most highly protected documents that we have and we can use the information in those statements only if there is a public hearing and then only to impeach the officers testimony if he or she has misrepresented something in the course of a public hearing. The fifth amendment right is often a --- a point in the community activist side and they take issue with and the initial work of the board by suggesting the full support on his Fifth amendment right and somehow we got in trouble for failing the public accountability.

I will reinforce today that the citizen police review board respects all due process rights either as a police officer or leaving a complaint. The fifth amendment right we are all entitled too and we will continue to honor. Also note, that many reports they must be complied with our subpoena. They are directed by the judge to appear, to be sworn in and to answer each and every question unless you have a reason not to answer the

question. The fifth amendment does not apply to every question and we honor that, but we also adhere to the standard that they have to be accountable and they will answer the questions necessary to explain to the Board what their side of the story may be.

The City of Pittsburgh is a major part of Allegheny County. We are the largest municipality and we host the largest police department. You will have in the City of Pittsburgh a professional law enforcement agency. They have all the resources available to the community at large. They have provided advice. They have community court justices to places such as corporations and public school districts. They are needed in the Pittsburgh Police Department today.

In effect, police oversight already exists in the County and I respectfully suggest and encourage you to consider the feasibility of utilizing this City asset as the foundation of the contemplated countywide police oversight. The CPRB has the expertise, we have an established process, we have local knowledge and we have credibility. An arrangement could be structured to extend this resource to the County police as well as any municipality interested in voluntarily having their complaints reviewed independently or to receive technical assistance and support as they endeavor to enhance their relationship between their community and the police. Thank you gentlemen.

CHAIRMAN WALTMAN: Thank you, Ms. Pittinger. Now we're going to hear from Carlos Torres. Your time begins, sir.

MR. TORRES: Good evening, Mr. President, and other Members of Council. Thank you for the opportunity to speak before you this evening. I do appreciate the invitation to share with you some of our experiences.

Our two entities are --- there are two entities in the city. And so our structure is very similar to what Ms. Pittinger just described. Our independence, our power of subpoena and to hold public hearing and so on. One of the things that I wanted to highlight for you is --- or describe for you is our process when we are considering members of our body, our commissioners.

So we go through great lengths to make sure that our 15 for the City of Pittsburgh --- we have 15

commissioners that I answer to, they are my bosses and they go through great lengths to make sure that the members of that body represent the community at large. So being the commission when we are considering commissioners we do this as a job. We consider the mayor and the city and so on because when a member comes before us, we want to make sure that this commissioner that is sitting around the table look like they do.

So I would encourage you to think about the impact that having such a diverse body of individuals who represent a variety of professions and expertise can bring. We are --- we have the ability to work on employment housing where we get information to the police and police community relations. Although, I have to say that this is a fast paced job and we rarely seek any complaints involving police officers. So when they do, we sort of screen to see whether it's appropriate or not. We conduct our own investigation although it's more preferred for the CPRB to do under their authority.

So we share a lot of similarities. We share similar responsibilities. The trust of the public lies within the work that we do, lies within our ability to be objective, to be independent, to be thorough in our --- thorough in our investigations and we would rightly do because in our case, civil rights are at stake whether the rights of one individual or the civil rights of our entire community. And we take that charge very seriously and we take that metadata with much consideration and much appreciation for the community that we have been given. To ensure that as a city, we continue to do what we can to not only correct the wrongs of the past but prevent anything from happening in the future. Thank you.

CHAIRMAN WALTON: So with that, we are going to take 10 minutes and we'll have questions from Council if we have some, and I'm certain that we do. So as a matter of protocol and respect, we are going to ask the Council President if he has a question or concern first. President DeFazio?

PRESIDENT DEFAZIO: I really don't have any questions but I'd like to hear from the public out there. That's basically all communities hear what they have to say and come up with our best option that is suitable for all people. Thank you.

CHAIRMAN WALTON: Vice President Futules?

MR. FUTULES: I have no questions.

CHAIRMAN WALTON: Okay.

I have --- I have several. I really appreciate the detail that you guys went to and specifically Beth. I --- I, you know, in terms of structure the current Pittsburgh --- the current Pittsburgh citizen review board you indicated had seven members. And of those seven, two positions are mandated to be law enforcement professionals. Would you describe for me quickly law enforcement professionals?

MS. PITTINGER: Is this on?

CHAIRMAN WALTON: Yeah.

MS. PITTINGER: Sure. Law enforcement professionals such as anyone who served in law enforcement in the past few years but is not actively serving as a sworn law enforcement profession at the time of their service of the board. Examples would be retired police officers, someone who may have been a US Attorney or a DA, we've had member of public safety. A law enforcement professional is someone who is perhaps who has had powers of arrest at some point in their career.

CHAIRMAN WALTON: Someone who may --- someone who may have been an officer or someone in the practice as a law enforcement officer with arrest authority but is not currently serving in that capacity?

MS. PITTINGER: That is correct and there only can be two.

CHAIRMAN WALTON: Okay.

Paul?

MR. KLEIN: Thank you. So --- so typically --- typically you base that after something bad has --- a tragedy has happened. But in your experience as you've worked with many models for these boards that have been created. What are you seeing across the country where that kind of view has some other purposes as well, in terms of trying to reduce tensions between police communities technically police and communities. And as we know this is a problem that is most serious in the African American communities. So what have you seen out there? Have you seen that in your experience?

MS. PITTINGER: Well, the various model's essential functions, but it --- it varies. Our model is considered the top model but it's typical to get this kind of a model into areas where the safety of a policeman is not a political will and it requires a delegation of power

which is amplified with the boards with subpoena power, legal hearings.

There is a component of our mission that requires us to do anything that would contribute towards a relationship between community and police. And so we --- we speak with a lot of high schools, we go to schools. Pittsburgh public schools is a huge great friend of ours. The Pittsburgh Federation of Teachers is a huge ally of ours and if you have a copy of the handout we gave you that was a community effort. A collaboration of a number of different entities. It was actually a redo of something started back in the 70s.

And actually the chief of police of Williamsburg initiated with all the methods to the police most of this information. And here we are in 2018, just advising that this may be temporary but the Pittsburgh sends a letter home to each household the first week of school over the last few years. It's distributed to all the classes and all the parents and --- that was designed to keep people safe. It doesn't matter what was going on, or what you might think about a community member or a police officer. A police officer has more power than any judge.

We use advice from that. So we will partner with any community, anyone, anybody who wants to do something. We contribute towards and advance an understanding between the community and police. We also provide whatever assistance we can to the Pittsburgh board of police. Since 2013 we have been receiving --- prior to adoption an indication for police policies, general orders, expanding so we can make comment and recommendations to, you know, maybe they can revise something to make sure it's compatible with the contemporary best practices in law enforcement.

So we had the opportunity to contribute to that. And I have to say something. The relationship, it was just terrible 28 years ago. It is no longer so. We have found a way to work cooperatively and respectfully so that the work we do is now being valued. It is being respected not only by the local police but also by the board of police.

CHAIRMAN WALTON: Thank you. I have one question, ma'am. I'm going to ask colleague, Catena if he has questions? My next question goes to investigative --- investigative ability and --- and subpoena power. Could

you address both of those for us, both of those --- to what extent does the Pittsburgh civilian police review board have some authority --- subpoena authority and --- and how broad is its authority and if you are comfortable with such or should there be more with the county?

MS. PITTINGER: Well, subpoena power comes from the home rule charter which as you know, has the effect of state action. Our subpoenas are valid or some make individuals testify, be they subject of a complaint, complainant or a witness and the production of documents and any information that's necessary to understand the facts so we can get the facts coming from the complaint.

The subpoena was challenged numerous times, but each time it has been a fact that the court has ordered under the threat of contempt that that person either appear or provide the documents that we seek. We have used our subpoena locally. We have used it in other jurisdictions. It is in effect a valid subpoena. Our investigative power is also bestowed upon the board from the home rule charter. Again, having this initiates action. The investigators conduct through investigations which means going out looking for witnesses, gathering evidence, interviewing anybody and everyone. It's a real in-depth investigation.

So that the board can receive that information and determine what the facts of this situation are and then it can be disposed or refer the complaint into a public hearing. Technicality wise, a public hearing is conducted as a meeting. There is a panel of board members that presides over a hearing. We have a Hearing Officer who is the board's independent solicitor of the city law who makes rules on evidentiary and questions of the nature of the complaint. I have a special prosecutor because under the code, the individual does not have private standing. In that regard it is similar to the district attorney system.

CHAIRMAN WALTON: If I may interrupt. I'm sorry. I want you to continue. Are those investigations --- there's no open investigations?

MS. PITTINGER: Yes.

CHAIRMAN WALTON: Okay.

MS. PITTINGER: They are, in that we do not receive someone else's investigation. They are fresh, independent investigations of the issue. And often times, because we have the office of this formal investigations

we are investigating in the same manner. There are occasions where it's a case of one or the other to confer to determine the --- it's something they know we didn't. In fact, we have a collegial relationship between colleagues, but the investigations themselves are free. The public hearing process, with a special prosecutor the case is presented, the officer who is accused is known as the subject officer. That officer is represented by an attorney provided through the Fraternal Order of Police. The lawyer represents them. We try to settle these cases before we get to the public hearing.

And then in recent years, over the last few years we've had a great deal of success. Conducting those settlements between our office, FOP lawyer, complainant and the subject officer, for me, comes with a matter of resolution without it going through the hearing process. That is more desirable because you create a communication that is not adversarial between the two parties. We do also have a theory and mediation program but it requires that both parties voluntarily engage in it and it has not been practiced with police officers to do so.

CHAIRMAN WALTON: Pat, question?

MR. CATENA: Yes, thank you, Mr. Chairman. I have a few questions this evening, Mr. Chairman. My first question is, obviously we will be talking about police review board that's considered something action that --- you're viewing an action that is already occurred. My question is, what advice, if any, do you have to give us that we can go out to all the municipalities and basically do a run in with a script in policies and procedures and operation training. What advice along those lines would you have?

MS. PITTINGER: Well, there are a lot of options available to the smaller municipalities for technical support. There is support coming that is available to the US Department of Justice. We have experts that are available to help with all policies and procedures. And again, the Pittsburgh police and it's involvement in national initiative, US Department of Justice, they have developed referenda that they share with other departments. We have extended the --- met with some electives or met with representatives from some of our municipalities through the County where they come to us ask about options about how to go about getting what they need and we are able to do that. So the resources

are there, it's generally --- the political will just has to be there in the municipality to see it.

And that --- that adds another dimension to this. Both the responsibility of police misconduct rests with the elected. The elected party responsible for the insertion and the extension of the local government. When something --- it has happened here in Pittsburgh 20 years ago, it didn't happen often but it caught up to us. The political will --- was not available or present or interested in community police relations.

When an elected relinquishes or abdicates that responsibility, you have the area --- the environment is ripe for rebellion or concern for demand of change. It can be handled by --- elected if they will just handle it, which the basis of the institute were the reconciliation part of contemporary police philosophy is right now. The police departments have been and can't be used as political tool to promote an agenda and that is not always in the common interest. And so when the police are used as political tools and they carry out a mission that is not popular with the people whom they are executing it on, you create a legacy of mistrust and a legacy of suspicion towards police officers.

Here in our county we apparently have some local municipalities that don't recognize that responsibility and it is on their shoulders to manage and determine how policing will be done in your town between the police versus people and enforces the law. And that has to be served through local culture, local policies and local leadership. When that fails, we have a situation where people are not satisfied and they demand change, but we're available to assist any community in whatever way we could to assist through --- through developing technical or social support.

MR. CATENA: Thank you. My last question. The last sentence about your testimony. You're talking about preparation through this task force and resources of the county. That's actually a very interesting idea. What do you actually --- what would you do?

MS. PITTINGER: I believe we manage something similarly with the support from our citizen relations and the county's human relations commission. Years ago there was an effort. Before that length of time, a commission as a member in 2014 or '15, we had tried to make a factual arrangement so that the county's

human relations commission would have unlimited investigations. Because as it's structured, they relay resources in the department of the county which presented a concern about conflict of interest so they investigated agencies. They were looked at as a resource. Perhaps we could structure something where the service would be essentially purchasable in the city to conduct those investigations for the county and turn that information over for the determination of a commission.

We ran into roadblocks, because of course, lawyers got involved and the lawyers just wanted this and another lawyer wanted something else. There was nothing --- the purpose was being lost. What I understand is, of course, greater than that, but that was eventually affected. And --- and something similar to that is independent civilian review board. We have an expertise that doesn't come overnight. You can't just open the door and say this is going to be police oversight.

You see the allegation that is provided to you. Every single municipal police department has their own set of standards as you can see here. You have to learn them. You have to understand them. But something in that nature is, again, you have to offer for you to consider is to go with it.

MR. TORRES: Yes. So the --- Ms. Pittinger is absolutely correct. If you don't know, we've been around since 1955. So we've been around for a while but --- and we do have this set of expertise. We have resources available to us who are federal credible both EMC and HUD that provided us for skill training or conferences and for other skill sets that they don't necessarily have. The other thing is that one of the least used resources available to us is mediation. Like Ms. Pittinger said, it makes a hundred percent sense to mediate an investigation of an allegation than go to a public hearing because for us all hearings are set in the public. When we do have mediation, it's behind closed doors, it's kept in that same room and so the parties can walk away having negotiated something that is amenable to them.

So we may not be solving the world's problems but at least we solved this particular problem and addressed what we needed to make an individual to feel whole and that they are granted this opportunity. I believe there was something Mr. Walton asked about the

power of subpoena and that is essential. The power of subpoena gives us not only legitimacy but it is a clear indicator for those who are considered across the table from us that we mean business. That we are a law enforcement entity. We're not just someone from the neighborhood that's just knocked on their door and tried to sell you something. We are a body that is here charged with protecting the rights of the individuals that come before us. And as such the power of subpoena is essential.

We use it rarely but I am more than happy to use it when necessary, and let me tell you, it brings people to the table and it brings them to the table quickly because the last thing they want is to go before a judge and the judge ordering them to comply with a subpoena. It is a little embarrassing if you will. So it's --- it's a very essential powerful tool for you to consider as you move forward with this.

CHAIRMAN WALTON: Thank you. I'm going to turn this over to our co-chair, Nick Futules.

MR. FUTULES: I don't need that, I'm pretty loud. Okay.

Just real quick only because I'm unsure of myself. I'm not aware of your authority as a police review board. Are you an advisory group or are you an authority? Do you report to someone?

CHAIRMAN WALTON: Repeat your question.

MR. FUTULES: He couldn't hear me?

CHAIRMAN WALTON: The ladies over here couldn't.

MR. FUTULES: Okay.

My question is, are you an authority or are you an advisory group? If so, just explain that to me.

MS. PITTINGER: We are not an authority. No. Our commission comes from the home rule charter proving our status as an independent review board with certain responsibilities and powers. Our ultimate product in terms of investigative process, it's upon the findings and recommendations issued by the board to chief and the mayor. They must respond to the board within 30 working days as to whether they will accept the findings and information as offered and if they met those recommendations or they will not comply with those recommendations and that includes the process. So there are exceptions, but our existence and our status comes

from the home rule charter. We are an organization in the --- the City of Pittsburgh who has been independent and with that we include the internal operations. So we report, not directly I report to the board.

CHAIRMAN WALTON: Thank you.

MS. PITTINGER: As do our staff.

CHAIRMAN WALTON: Thank you. And I want to share this and give the mic to my co-chair. In case somebody in the audience isn't aware, there are several pieces legislation that are being offered up by the State Senator Costa, Montana, Wheatley, James Davis. Senator Costa is proposing legislation from side resources to this county to support training beyond act 120 which is a standard state certification process.

Senator Montana is offering legislation that mandates that all second class counties of which Pittsburgh is a second class counties, are mandated to participate in a civilian --- a county civilian police review board. State representative Wheatley gave Austin Davis along with Pennsylvania State legislative Black Caucus has offered up proposals to certify police officers as part of their professional certification process in the State of Pennsylvania much like doctors, nurses and those of those professional classes have to have and maintain state certification. So I just wanted to share that so that the bodies are aware and with this, I am going to turn it over to my co-chair.

MR. KLEIN: I think we covered it. Thank you very much for your comments. We really appreciate it.
(Applause.)

CHAIRMAN WALTON: Public meeting --- the public hearing, our first speaker.

MR. BARKER: The first speaker will be Tim Stevens.

MR. STEVENS: Thank you, sir. First of all, as Chairman and CEO of the Black Political Empowerment Project B-PEP and as Co-convener along with Valerie Dixon. I'd like to thank the leadership of Mr. Walton and Mr. Klein for sharing this and Council for including the research in order to establish what I hope to be a countywide citizen police review board.

Police officers of whatever city, borough or township carry tasers, batons, guns and possess the authority to arrest and at times shoot and kill. This is indeed, an awesome power and the average citizen would

never possess. It is with this backdrop that the Black Political Empowerment Project and the Greater Pittsburgh Coalition Against Violence urge that the County Council fully and thoroughly investigate how a county-wide citizen's police review board could be adopted, established and implemented.

With the need for such a board and for review of police training and police procedures and policies for area police was ever questioned, the tragic death of unarmed 17 year old Antwon Michael Rose the second of June 10th, 2018 at the hands of East Pittsburgh police officer Michael Rosfeld has made such an inquiry a necessity.

As our Council members are aware now, if not before this tragedy, many of the police officer in outlying cities, boroughs and townships simply do not have sufficient training, funding and oversight to properly oversee effective, fully professional and safe police departments. B-PEP and CAV have already called upon area political leaders and local officials to seek sufficient funding from whatever sources, to help provide the needs just described.

Along with the improved training and possibly improved salaries, must go additional oversight. In that police officers are supposedly trained to protect and serve the public, B-PEP and CAV strongly feel the citizens --- that the police that are paid to protect and serve should also have the opportunity and the civic duty to be in position, when incidents occur, to review the behavior of area police officers.

CHAIRMAN WALTON: Mr. Andre Campbell. Mr. Andre Campbell? Third time, Mr. Andre Campbell?

Erica Yesko? Erica --- no, I'm sorry Richard Stewart. I'm sorry, sir. I apologize.

MR. STEWART: Good afternoon or good evening. I just have a few comments. My name is Richard Stewart, I'm the president of the NAACP Pittsburgh. I have some comments. A citizen --- this citizen review board, number one, to all this is related to all sorts of shootings and misconduct and police complaints. These are over --- there are over a hundred plus police in the township of Allegheny County. A lot of people don't know that.

Another reason why this has been so long and nobody wants to give their up power base or their

influence in these municipalities. I know this because I have worked for the County. So these municipalities and township police departments don't have the policies and procedures, work rules and regulations when it comes to law enforcement --- is my time up?

CHAIRMAN WALTON: No you're good.

MR. STEWART: That results in the use of force. That results in the death of individuals. There is no great accountability for the ways these police departments operate, no words on who they report to. Themselves? No department can effectively investigate itself unless there is an internal affairs department which independent of this department. Other ways would be to add an outside entity to do these investigations. It's the only way it's going to work. Thank you.

CHAIRMAN WALTON: Thank you. Erica Yesko? Erica Yesko? Erica Yesko? She's not here. Ms. Fawn Walker Montgomery?

MS. MONTGOMERY: My name is Fawn Walker Montgomery. I live in McKeesport, Pennsylvania. So when I think about a police review board, I think there's an issue of class one and class two with regard to Pittsburgh so they have with regards to the citizens similar to what Pittsburgh's doing now in addition to requiring law enforcement to provide information with what's going on. As well as subpoena power, training new members. The goal would be to increase the transparency of police officers with the projects. So if I may say, I would not be in favor of mediation because it's closed doors and it's not transparent and it's not open to the public.

So it would be something that you have to have open --- or it would have to be open to us whether that be online, whether that be reporting the findings to us. So if you're going to do something similar to what Pittsburgh is already doing with the class one and class two models of reporting people because we have citizens and officers but that whole closed door mediation process is not transparent. They're not open to the public. We don't know what happens after they do a mediation if they report to us. They don't even consider us an individual model on the overall police review process. They bring down the community as well. In addition, the legislation was talking third class cities. McKees was third class. Thank you.

CHAIRMAN WALTON: Thank you. I want to note something with regard to second class counties. If I --- if I said cities, I misspoke, it's second class counties. It's mandated that second class counties or municipalities are mandated to mediation. Were there any last minute sign-ups, Mr. Barker?

MR. BARKER: We had four.

CHAIRMAN WALTON: Would you call the first person, please?

MR. BARKER: First up is Flo Taylor.

CHAIRMAN WALTON: Please identify yourself, Ms. Taylor, and your address, please?

MS. TAYLOR: My name is Flo Taylor. I live at 609 Penn Avenue in Pittsburgh. What I want to say here today --- they told me that I need --- I need to say that I have been watching the young of people in this city really step up. I never got used to hearing babies cry or young people being so agitated but at a time with what's going on in this city that I have come to love has really agitated --- well, excited that we have on the table. A proposition for county oversight. We really do need that. That this is happening here that --- to people from our town, it all reflects on Pittsburgh, all of it. East Pittsburgh, North --- all of this has to do with Pittsburgh.

So if I get a call from out of town, like what's going on in Pittsburgh? They don't differentiate that is an issue. So we're very glad to have some sort of oversight. We're hearing about things that happened, where people are shot in the back or whatever. We hear about something that happened to someone who got beat up in a shop here and if that had been reversed, the need for it --- for what we're doing here. If that had been reversed, and that had been a black man beating a black woman the outcome would have been the same.

That kind of thing is why we need some oversight. As far as more training, I don't know about that. I feel that this is the kind of job where there's high stress involved and I would be willing to vote for a 50 percent raise and an annual cruse for them. This has to be a job with high anxiety. I see that it might need training too but I'm thinking that we need to look at it and see how long it takes before they burn out and give them some time off instead of paying the family when they burn somebody. Thank you.

CHAIRMAN WALTON: Thank you. Next, Mr. Barker?

MR. BARKER: Next up we have Khalid Raheem.

CHAIRMAN WALTON: Khalid Raheem.

MR. RAHEEM: Good afternoon, gentlemen.

Thank you for this opportunity to address these issues and I really appreciate you guys giving me the opportunity to address the public and to have the opportunity to speak to Council to have an opportunity that could do some good. Right now, we have a state legislature for whom we've lobbied related to County Council to make this a reality. One of the things that I am concerned about is that the board will not be as powerful as it should be. When we start this process as community activists and organized, we very quickly called for not a citizen's police review board but a civilian police review board, because you understand you are the masters of our County.

We also have to find a way to attract new work forces into the County; right? So we want to make sure those new people brought into the county and make sure their lives are going to be honored and protected just like those of us who are citizens of Allegheny County. So we're saying further I acknowledge you. But I'm talking about coming to the community to work, coming to the community to learn. We want to make sure your rights are going to be recognized and protected. So that's the piece that I wanted to leave. We call for a civilian police review board not a citizen's police review board. We think that all rights deserve to be protected and honored whether you are a guest of Allegheny County or whether a resident citizen of Allegheny County. Thank you very much for your time.

CHAIRMAN WALTON: Not to dispute. But I thank you, sir. But there are a number of individuals here who people are watching. I'm saying there are people here who have not signed in. If you'll raise your hand, our staff will come and get your name because this is important that you guys come because the work that we are doing is impacted by the number of individuals that turn out.

We need to keep tally of what individuals have signed up. So it's important that we get all the folks signed up so that we can use the participation numbers as a cause for us to move this process forward. So I encourage you if you haven't signed up, raise your

hand and we'll come get you. Thank you. Next speaker.
Mr. Barker?

MR. BARKER: Next up is Darnika Reed.

CHAIRMAN WALTON: Darnika Reed?

MS. REED: My name is Darnika Reed. I am a community organizer with the Pennsylvania Interfaith Impact Network. I'm also the education organizer for police accountability. So as a member of the review board, there are several reasons that --- for over the past year and a half, I have been working with the school district. And so when we make these decisions about when exactly you should go over to the review board, you should look to Churchill Borough and the businesses listed of that borough. So not only am I on the board but my child's school is an environment I was afraid on a daily basis to get a phone call from the school board and what we see in our school in an environment that I was afraid on a daily basis to get a call from school because I wasn't sure whether he would be safe at school because we need to have transparency. And as I have seen, as far as the Churchill Borough and the police brutality in Woodland Hills we can't always look to the council, to local council and these municipalities with these issues in many cases because they were complicit in what occurred in the school.

And we would now have known how bad the situation was had it not been in the media. So that is a great starting place to look if you're thinking about starting a police review board. Thank you.

CHAIRMAN WALTON: Thank you, ma'am. Mr. Barker?

MR. BARKER: Next up is Melvin Pollard.

CHAIRMAN WALTON: Who?

MR. BARKER: Melvin Pollard, he's right there.

MR. POLLARD: Good evening. My name is Melvin Pollard. I live at 1502 Radford Road, Pittsburgh, PA. So I sit here to propose --- to propose a commonsense approach to a complicated situation. I am a retired welder, driller, machine foreman. I have been in the area 35 years. And some of things are at a loss like at this around or what could happen. So what I am trying to propose is the Woodland Hills School District is made up of 13 different communities. The individual communities had their own building in Pittsburgh's school district

when we had United States Steel. Once they pulled out, the school district transferred whatever we had on the books about communities coming together or whether policy had to go in there in the Woodland Hill School District. The same kind of process in the schools needs to be looked at as far as the police department. The Woodland Hills Police Department covers the same 13 communities and school district. Thank you.

CHAIRMAN WALTON: Thank you. Next?

MR. BARKER: We have several more who signed up recently. Next up would be Swain Uber.

MR. UBER: I just wanted to thank you all for putting this on before me. My name is Swain Uber and I live at 7426 Ben Hur St. I know that there was some contention with the original discussion around being more responsible. I think this gets into other cities where they have over 100 police departments and I just think there is no question whether or not we need some form to implement or lobby for it to make sure legislation is passed because this is an absolute necessity and it goes without saying none already exist. So thank you.

CHAIRMAN WALTON: Next?

MR. BARKER: Next up is Ramona Jones.

MS. JONES: My name is Ramona Jones. I reside in Carnegie, Pa. And along with sensitivity training that all officers need. Along with that and us being at the table when these --- when this happens, if it does happen. I strongly feel that they need mandatory processing as well as random and to follow up with citizens. That's all I have.

CHAIRMAN WALTON: Next?

MR. BARKER: Next up, Kim Williams.

MS. WILLIAMS: Good evening. My name is Kim Williams and I'm a democratic committeewoman for the Hill District 14.5. I just wanted to say I see a lot of shootings in Pittsburgh, as a matter of fact, in Pennsylvania period. There is a lot of shootings. Killing African American men. Unjustifiable and it hurts. And I don't want the review board that sits here. I want to know if we can get a new one because what we have currently is not working. The reason why I'm saying this is because there's a police officer that shot Antwon Rose. He went to jail. I believe he spent about two hours. He's at home right now. I don't even think --- there's

another, Leon Ford, paralyzed. That officer has not been found. That's not going to bring his legs back.

So the review board is not working for everyone and I recommend that we get a new one and I believe as one gentleman was saying there has to be a citizen's review board. That way, everyone from different communities and counties can have input as opposed to two people on the payroll and do a thorough investigate and know how a police officer that unjustifiably shot and killed a teen is at home. My third statement is, yes, they do --- the police officer does need psychological testing. The reason why I am saying that is because it seems like they are trained to kill us, not to help us. Thank you.

CHAIRMAN WALTON: Any more?

MR. BARKER: Two more. Next up is Sandra Lynch. And then last would be Jamaal Craig.

MR. CRAIG: Good evening. I'm Jamaal Craig. I want to first thank you all for your courage and conviction for bringing us as citizens for input based on what they see and what they experience. Incidents are happening. People are feeling the pain. People see what's happening and right now there is just simply no level of accountability in place. But what this process tonight what a civilian review board will do is give us a start process for a level of accountability that doesn't currently exist. And we thank you for that because it's needed.

One of the other things mentioned that struck me. This is deeper than having a process of accountability. We're at a period in our society where we need a system that brings about a level of reconciliation, because as I said, families, citizens are hurting and this process also puts in place a measure to bring about reconciliation, level of hope, fairness and justice. Because without that faith in our justice system, what type of justice system do we have? And our citizens need to know that if we have such a process when needed to review the actions of officers are sworn to protect and serve us. Thank you.

MR. BARKER: The only remaining name that we have is an individual who signed in but was not here when his name was originally called.

CHAIRMAN WALTON: Is he here now?

MR. BARKER: I don't know. That would be Andre Campbell.

CHAIRMAN WALTON: Mr. Campbell? He's not here so this concludes the public hearing portion of our meeting. The testimony offered by any of you regardless of whether any of you speak in general. The Friday after our last meeting in September which will be September 26th --- September 27th?

MR. BARKER: I believe.

CHAIRMAN WALTON: September 27th. And we are --- we brought a stenographer here so we can have a clear record of the testimony that was offered tonight. Because again, it is important that we know what you're saying and understand your concerns so that we can try to come up with the best possible doctrine that we can.

We thank you. We appreciate you. Our next meeting is tomorrow evening at 5:30 at the Millvale Community Center in Millvale and our meeting after that is September 20th at Duquesne Elementary School and then following that will be September 26th at the Father Ryan Center in McKees Rocks. We thank you, please, but we urge you to share the information to friends, colleagues and we are looking forward to continuing the process. Thank you and good evening.

MEETING CONCLUDED AT 6:56 P.M.

CERTIFICATE

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

Dated the 19th day of October, 2018

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Jeremy Harris,

Court Reporter